

Applicants: Riccardo Dalla Favera, et al.
Serial No.: 09/761,117
Filed: January 16, 2001
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REMARKS

Claim 56 is pending in the subject application. By this Amendment, applicants have canceled claims 47-55 as withdrawn, and have amended claim 56. Accordingly, claim 56 is still pending and under examination in the subject application upon entry of this Amendment.

In view of the remarks below, applicants maintain that the Examiner's rejections have been overcome, and respectfully request that they be withdrawn.

Rejection under 35 U.S.C. §112, First Paragraph

The Examiner rejected claim 56 under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the Examiner alleges that the specification lacks guidance for determining the likelihood that a tumor suspected of being Non-Hodgkin's lymphoma (NHL) is NHL.

In response, but without conceding the correctness of the Examiner's rejection, applicants note that amended claim 56 is directed to a method for detecting the presence of bcl-6 in a tumor suspected of being a Non-Hodgkin's lymphoma, thereby rendering the Examiner's rejection obviated.

In view of these remarks, applicants maintain that claim 56 satisfies the requirements of 35 U.S.C. §112, first paragraph.

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Rejection under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claim 56 under 35 U.S.C. §112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Examiner alleges that it is unclear which method steps are encompassed, accomplished or achieved by the terms "likelihood" and "likely."

In response, but without conceding the correctness of the Examiner's rejection, applicants again note that amended claim 56 is directed to a method for detecting the presence of bcl-6 in a tumor suspected of being a Non-Hodgkin's lymphoma, thereby rendering the Examiner's rejection obviated.

In view of these remarks, applicants maintain that claim 56 satisfies the requirements of 35 U.S.C. §112, second paragraph.

Conclusion

For the reasons set forth hereinabove, applicants respectfully request that the Examiner reconsider and withdraw the rejections, and earnestly solicit allowance of the pending claim.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

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No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents,
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12/18/03

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